

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 554 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 12-7-2-87.9 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2009]: **Sec. 87.9. "Food stamp program", for**
- 6 **purposes of IC 12-14-1-8, IC 12-14-30, and IC 12-15-3-7, has the**
- 7 **meaning set forth IC 12-14-30-1.**
- 8 SECTION 2. IC 12-14-1-8 IS ADDED TO THE INDIANA CODE
- 9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 10 1, 2009]: **Sec. 8. An individual who has applied for, or is receiving,**
- 11 **assistance under the TANF program is subject to the eligibility**
- 12 **requirements under IC 12-15-3-7.**
- 13 SECTION 3. IC 12-14-30 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2009]:
- 16 **Chapter 30. Eligibility for Food Stamp Assistance**
- 17 **Sec. 1. As used in this chapter, "food stamp program" means**
- 18 **the federal Food Stamp Program operated under 7 U.S.C. 2011 et**
- 19 **seq.**
- 20 **Sec. 2. An individual who has applied for, or is receiving,**
- 21 **assistance under the food stamp program is subject to the**
- 22 **eligibility requirements set forth in IC 12-15-3-7."**
- 23 Page 2, between lines 3 and 4, begin a new paragraph and insert:
- 24 "SECTION 5. IC 12-15-3-7 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7. (a) This section shall not be construed to affect a child's benefits under the TANF program, food stamp program, or Medicaid program.**

(b) This section applies if the office implements an amendment to the state plan after complying with subsection (j).

(c) Subject to subsection (b), this section applies to an individual who:

- (1) is eligible for assistance;**
- (2) is at least eighteen (18) years of age; and**
- (3) receives or applies for assistance;**

under the TANF program, food stamp program, or Medicaid program.

(d) An applicant for or recipient of assistance under the TANF program, food stamp program, or Medicaid program shall agree to random drug testing in accordance with a program established by the office and administered by county offices. The drug testing program shall consist of the following:

- (1) Testing of randomly selected individuals under the TANF program, food stamp program, or Medicaid program.**
- (2) An appeals process for any individual tested under the TANF program, food stamp program, or Medicaid program.**

(e) A county office may contract with a public or private entity to perform drug tests under this chapter.

(f) If an individual:

- (1) subject to subsection (g), tests positive for the use of:**
 - (A) a controlled substance (as defined by IC 35-48-1-9); or**
 - (B) a legend drug (as defined by IC 16-18-2-199); and**
- (2) does not have a valid prescription for the controlled substance or legend drug;**

the individual is not eligible to receive assistance under the TANF program, food stamp program, or Medicaid program.

(g) An individual who initially tests positive for the use of a controlled substance or legend drug under subsection (f) is not considered to have tested positive for the purposes of subsection (f) until the sample obtained for the individual's original test has been retested to rule out a false positive. The office or a county office may not suspend an individual's assistance under this section until the retesting of the individual's sample has been completed. If the individual's sample is retested and a false positive is ruled out, the individual is not eligible to receive assistance under the TANF program, food stamp program, or Medicaid program.

(h) A county office may administer additional drug tests to a recipient of assistance under the TANF program, food stamp program, or Medicaid program if the recipient:

- (1) is arrested or convicted of an offense involving the use or selling of a controlled substance or legend drug described in**

1 subsection (f);

2 (2) is under investigation for child abuse or neglect;

3 (3) commits offenses related to revoking an individual's
4 assistance under the TANF program, food stamp program, or
5 Medicaid program; or

6 (4) has tested positive for use of a controlled substance or
7 legend drug described in subsection (f) previously.

8 (i) An individual who tests positive for the use of a controlled
9 substance or legend drug and becomes ineligible to receive
10 assistance under the TANF program, food stamp program, or
11 Medicaid program under subsection (f) may reapply for assistance
12 on the earlier of the following:

13 (1) The end of the six (6) month period immediately following
14 the date of the positive test.

15 (2) The date on which the individual completes a drug abuse
16 assessment or treatment plan.

17 (j) Before July 1, 2009, the office shall apply to the United States
18 Department of Health and Human Services for approval to amend
19 the state Medicaid plan to limit eligibility for individuals who are
20 ineligible for public assistance under this section. The office may
21 not implement the amendment to the state plan until it files an
22 affidavit with the governor attesting that the amendment applied
23 for is in effect. The office shall file the affidavit not later than five
24 (5) days after the office is notified that an amendment is approved.
25 If the amendment is approved, the office shall implement the
26 amendment not later than five (5) days after the governor receives
27 the affidavit."

28 Renumber all SECTIONS consecutively.

(Reference is to ESB 554 as printed April 3, 2009.)

Representative Bell